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Docket No.: SON-2815
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yuichi Takagi et al.

Application No.: 10/525,203

Confirmation No.: 7661

Patent No.: 7,652,650 B2

Filed: February 22, 2005

Art Unit: 2629

For: CURRENT OUTPUT TYPE DRIVE CIRCUIT
AND DISPLAY DEVICE

Examiner: D. P. Joseph

REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)

Mail Stop Patent Ext.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

Presently, the Patent Term Adjustment for this patent is incorrectly reported as 694 days. (See Determination of Patent Term Adjustment under 35 U.S.C. § 154(b), attached; see also U.S. Patent No. 7,652,650 B2, page 1, attached.) This adjustment was calculated by summing 654 days of delay by the U.S. Patent and Trademark Office ("Office") to respond under 35 U.S.C. §§ 132 or 151 after the 14 month period after the filing of the present application with an additional 40 days of delay by the Office in issuing a patent for this application. (See Patent Term Adjustment History from USPTO PAIR, attached.)

However, in view of Federal Circuit's recent decision, *Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., January 7, 2010), this Determination of Patent Term Adjustment is incorrect.

02/24/2010 JADD02 00000107 100013 10525203
01 FC:1455 200.00 DA

Because the Office failed to issue a patent until 704 days after the three year guarantee under 35 U.S.C. § 154(b)(1)(B) and because the Office failed to respond under 35 U.S.C. §§ 132 or 151 until after 654 days after the 14 month period pursuant to 35 U.S.C. § 154(b)(1)(A), Applicant respectfully requests reconsideration of the Patent Term Adjustment and reinstatement of an additional 664 days to the Patent Term Adjustment, extending the Patent Term Adjustment for patent from 694 days to 1,358 days.

STATEMENT OF THE FACTS

The application for this patent fulfilled the requirements of 35 U.S.C. § 371 on February 22, 2005. On February 5, 2008, 654 days after the allotted 14-month period, the Office mailed an initial Non-Final Office Action to the Applicants. Applicants responded to the Non-Final Office Action by filing a timely Amendment on April 23, 2008.

On July 25, 2008, the Office mailed a Final Office Action. On October 22, 2008, Applicants responded to said Final Office Action by filing a timely Notice of Appeal with an accompanying Request for Pre-Appeal Brief Panel Review. After the subsequent Pre-Appeal Brief Panel Review, the present application remained under appeal. Applicants filed a timely Appeal Brief on February 23, 2009.

After the filing of the Appeal Brief, but before the present application proceeded to the Board of Patent Appeals and Interferences, the Examiner reopened prosecution, mailing a Non-Final Office Action on April 9, 2009. Applicants responded to said Non-Final Office Action by filing a timely Response on May 21, 2009. The Office mailed a Final Office Action on July 7, 2009. Applicants responded to said Final Office Action by filing a timely Amendment on August 5, 2009. On September 3, 2009, the Office mailed a Notice of Allowance allowing the pending claims of the present Application.

In two instances the present application was subject to examination delays by the Office. First, the Office failed to provide a response under 35 U.S.C. § 132 or a Notice of Allowance under 35 U.S.C. § 151 until after 654 days after the allowed 14-month period. Second, the Office has

failed to issue a patent for this application until after 704 days after the allotted three year guarantee. However, at no point did the Applicants fail to engage in reasonable efforts to conclude prosecution of the present application.

The present application is *NOT* subject to a terminal disclaimer.

RECALCULATION OF THE PATENT TERM ADJUSTMENT

Pursuant to 35 U.S.C. § 154(b)(4), Applicant requests that the Patent Term Adjustment for the above application be increased from 694 days to 1,358 days. Because the Office delayed in initially responding to this application until 654 days after the 14-month allotted time, the patent term should be increased by 654 days. Additionally, because the Office failed to issue a patent until 704 days after three years after the actual filing of the patent application, the Patent Term Adjustment should be increased by 704 days.

The Patent Term should be *increased by 654 days* for the period beginning April 22, 2006, and ending on February 5, 2008.

Pursuant to 35 U.S.C. § 154(b)(1)(A), 37 C.F.R. § 1.702(a) states that “the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to . . . [m]ail at least one of a notification under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151 not later than fourteen months after the date on which the application was filed.”

37 C.F.R. § 1.703(a)(1) states that the period of adjustment will be increased by the number of days, “in the period beginning on the day after the date that is fourteen months after the date on which the application was filed . . . and ending on the date of mailing of either an action under 35 U.S.C. § 132, or a notice of allowance under 35 U.S.C. § 151, which ever occurs first.”

The Application was filed or fulfilled the requirements of 35 U.S.C. § 371 on February 22, 2005. The date that is fourteen months after this date is April 22, 2006. The first action under 35

U.S.C. § 132 or 151 was not mailed by the Office until February 5, 2008. The number of days in the period beginning on April 22, 2006 and ending on February 5, 2008 is 654 days.

Accordingly, the patent term should be increased by 654 days under 35 U.S.C. § 154(b)(1)(A). This 654 day addition is correctly recorded by the USPTO PAIR / PALM system.

The patent term should be *increased by 704 days* for the period beginning February 22, 2008, and ending on the date the patent issues.

Pursuant to 35 U.S.C. § 154(b)(1)(B), 37 C.F.R. § 1.702(b) states that “the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed,” not including (1) any time consumed by continued examination of the application, (2) any time consumed by an interference proceeding, (3) any time consumed by the imposition of a secrecy order, (4) any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court, or (5) any delay in the processing of the application by the Office that was requested by the applicant.

The prosecution of this Application was *NOT* delayed by (1) any time consumed by continued examination of the application, (2) any time consumed by an interference proceeding, (3) any time consumed by the imposition of a secrecy order, (4) any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court, or (5) any delay in the processing of the application by the Office that was requested by the applicant.

Applicant notes that although a Notice of Appeal was filed on October 22, 2008, the Application was not reviewed by the Board of Patent Appeals and Interferences or a Federal court. In response to this appeal, prosecution was re-opened before the case appeal was received by the Board of Patent Appeals and Interferences. Accordingly, no time was consumed by review by the Board of Patent Appeals and Interferences.

This Application fulfilled the requirements of 35 U.S.C. § 371 on February 22, 2005. The three year date after February 22, 2005 was February 22, 2008. This patent issued on January 26, 2010. The number of days from February 22, 2008, to January 26, 2010, is 704 days.

Accordingly, the patent term should be increased by 654 days under 35 U.S.C. § 154(b)(1)(B). This 704 day addition is *NOT* correctly recorded by the USPTO PAIR / PALM system.

The patent term should be **increased by both 654 days** for the Office's delay in initially responding to the Application after the 14-month period **and should also be increased by an additional 704 days** for the Office's delay in issuing a patent within 3 years of filing the Application.

Based on 35 U.S.C. § 154(b)(2)(A), the Office has previously determined that any administrative delay under 35 U.S.C. § 154(b)(1)(A) overlaps any 3-year maximum pendency delay under 35 U.S.C. § 154(b)(1)(B) and that a patent applicant gets credit for 'A delay' or for 'B delay,' whichever is larger, but never A delay + B delay.

However, in view of *Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., January 7, 2010), this determination has been held to be incorrect. The *Wyeth* court held that an applicant was entitled to periods of delay by the Office under both 35 U.S.C. § 154(b)(1)(A) and 35 U.S.C. § 154(b)(1)(B).

Accordingly, Applicant is entitled to the patent term being **increased by both 654 days** for the Office's delay in initially responding to the Application after the 14-month period **and should also be increased by another 704 days** for the Office's delay in issuing a patent within 3 years of filing the Application.

Calculating the Adjustment in the manner set forth by the Federal Circuit in *Wyeth* would extend the Patent Term Adjustment of this Application by 664 days to a total of 1,358 days.

CONCLUSION

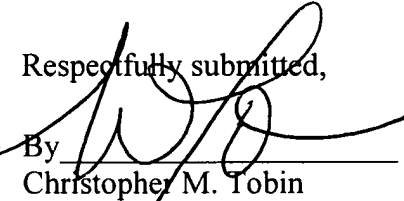
Pursuant to 35 U.S.C. § 154(b)(4), Applicant requests that the Patent Term Adjustment for the above application be increased from 694 days to 1,358 days. Because the Office delayed in initially responding to this application by 654 days beyond the 14-month allotted time, the patent term should be increased by 654 days. Additionally, because the Office failed to issue a patent within three years of the actual filing of the patent application, the Patent Term Adjustment should be increased 704 days.

REQUIRED FEE

The Commissioner is hereby authorized to charge a fee of **\$200.00** from Deposit Account # 18-0013 in accordance with 37 C.F.R. § 1.18(e). If any additional fee is required or any overpayment made, the Commissioner is authorized to charge the fee or credit the overpayment to the same account.

Dated: February 23, 2010

Respectfully submitted,

By 
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Attorney for Applicant

Attached: Determination of Patent Term Adjustment under 35 U.S.C. § 154(b)
Page 1 of U.S. Patent No.: 7,652,650 B2
Patent Term Adjustment History Retrieved from PTO Private PAIR



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,203	01/26/2010	7652650	SON-2815	7661

23353 7590 01/06/2010
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1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 694 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

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Genichiro Oga, Kanagawa, JAPAN;
Hiroshi Tachimori, Tokyo, JAPAN;



(10) **Patent No.:** US 7,652,650 B2
(45) **Date of Patent:** Jan. 26, 2010

FOREIGN PATENT DOCUMENTS

JP 62-122488 8/1987

(Continued)

OTHER PUBLICATIONS

Singapore Search Report mailed Mar. 3, 2006.

(Continued)

Primary Examiner—Amr Awad

Assistant Examiner—Dennis P Joseph

(74) *Attorney, Agent, or Firm*—Rader, Fishman & Grauer PLLC

(57) **ABSTRACT**

A circuit having a plurality of driver IC's 101-1 to 101-n provided corresponding to divided areas of a display panel 102, each driver having an output circuit for outputting a supplied reference current IREF as a drive current to corresponding divided areas DRVA1 to DRVA_n of the display panel 102 and reference current source circuits 200-1 to 200-n for sampling and holding the reference current input from the reference current input terminal, then supplying the same to the output circuit, the reference current input terminal being connected to the reference current input terminal of another driver by a common current interconnect CML1, and the reference current being distributed to the reference current source circuits of drivers by time division. According to the present invention, luminance steps among drivers driving the display (driven object) by division can be made sufficiently small, and a large size, high dynamic range display organic EL display, which cannot be realized by the conventional method of supply of the reference current, can be realized.

PCT Pub. Date: Mar. 25, 2004

(65) **Prior Publication Data**

US 2006/0017664 A1 Jan. 26, 2006

(30) **Foreign Application Priority Data**

Sep. 13, 2002 (JP) 2002-268036

(51) **Int. Cl.**
G09G 3/36 (2006.01)

(52) U.S. Cl. 345/98

(58) **Field of Classification Search** 345/76-81,
345/87, 98-103

See application file for complete search history.

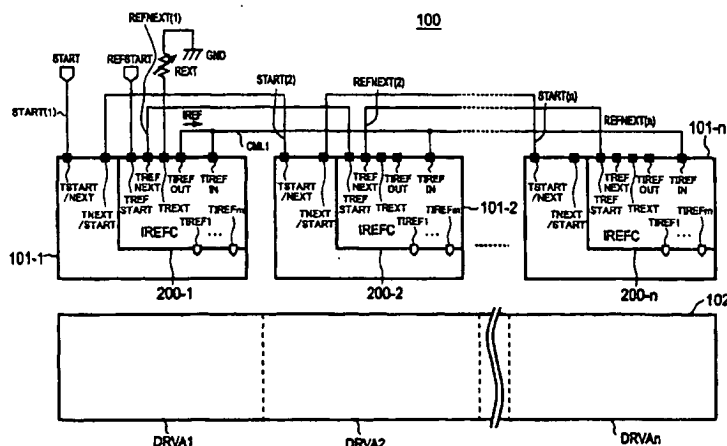
(56) **References Cited**

U.S. PATENT DOCUMENTS

6.222,357 B1 4/2001 Sakuragi

(Continued)

24 Claims, 23 Drawing Sheets



10/525,203 CURRENT OUTPUT DRIVE CIRCUIT AND DISPLAY DEVICE 02-17-2010::13:38:02

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/525,203

Filing or 371(c) Date:	02-22-2005	USPTO Delay (PTO) Delay (days):	-
Issue Date of Patent:	01-26-2010	Three Years:	-
Pre-Issue Petitions (days):	-	Applicant Delay (APPL) Delay (days):	-
Post-Issue Petitions (days):	-	Total PTA (days):	694
USPTO Adjustment(days):	-	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
01-06-2010	PTA 36 Months	40	
01-26-2010	Patent Issue Date Used in PTA Calculation		
12-29-2009	Dispatch to FDC	↑	
12-18-2009	Mail-Petition Decision - Dismissed	↑	
12-18-2009	Petition Decision - Dismissed	↑	
12-03-2009	Application Is Considered Ready for Issue	↑	
11-20-2009	Response to Reasons for Allowance	↑	
11-20-2009	Issue Fee Payment Verified	↑	
11-20-2009	Issue Fee Payment Received	↑	
10-08-2009	Petition Entered	↑	
09-03-2009	Mail Notice of Allowance	↑	
09-01-2009	Document Verification	↑	
09-01-2009	Notice of Allowance Data Verification Completed	↑	
08-11-2009	Date Forwarded to Examiner	↑	
08-05-2009	Amendment after Final Rejection	↑	
07-07-2009	Mail Final Rejection (PTOL - 326)	↑	
07-06-2009	Final Rejection	↑	
06-15-2009	Date Forwarded to Examiner	↑	
05-21-2009	Response after Non-Final Action	↑	
04-09-2009	Mail Non-Final Rejection	↑	
04-08-2009	Non-Final Rejection	↑	
03-14-2009	Appeal Brief Review Complete	↑	
03-14-2009	Date Forwarded to Examiner	↑	
02-23-2009	Appeal Brief Filed	↑	
01-21-2009	Mail Appeals conf. Proceed to BPAI	↑	
01-21-2009	Mail Appeals conf. Proceed to BPAI	↑	
01-19-2009	Pre-Appeals Conference Decision - Proceed to BPAI	↑	
01-19-2009	Pre-Appeals Conference Decision - Proceed to BPAI	↑	
10-22-2008	Request for Pre-Appeal Conference Filed	↑	
10-22-2008	Notice of Appeal Filed	↑	
10-02-2008	Mail Advisory Action (PTOL - 303)	↑	
09-29-2008	Advisory Action (PTOL-303)	↑	

09-26-2008	Date Forwarded to Examiner	↑
09-22-2008	Amendment after Final Rejection	↑
07-25-2008	Mail Final Rejection (PTOL - 326)	↑
07-21-2008	Final Rejection	↑
01-28-2008	Information Disclosure Statement considered	↑
05-29-2008	Date Forwarded to Examiner	↑
04-23-2008	Response after Non-Final Action	↑
01-28-2008	Information Disclosure Statement (IDS) Filed	↑
01-28-2008	Information Disclosure Statement (IDS) Filed	↑
02-05-2008	Mail Non-Final Rejection	654
02-04-2008	Non-Final Rejection	↑
02-22-2005	Information Disclosure Statement considered	↑
04-18-2006	Information Disclosure Statement considered	↑
10-17-2007	Withdraw Flagged for 5/25	↑
10-16-2007	Flagged for 5/25	↑
04-19-2007	Case Docketed to Examiner in GAU	↑
01-20-2007	Case Docketed to Examiner in GAU	↑
04-18-2006	Information Disclosure Statement (IDS) Filed	↑
04-18-2006	Information Disclosure Statement (IDS) Filed	↑
04-15-2006	IFW TSS Processing by Tech Center Complete	↑
10-13-2005	Corrected filing receipt	↑
02-22-2005	Information Disclosure Statement (IDS) Filed	↑
02-22-2005	Information Disclosure Statement (IDS) Filed	↑
02-22-2005	Request for Foreign Priority (Priority Papers May Be Included)	↑
02-22-2005	Reference capture on IDS	↑
09-29-2005	Cleared by OIPE CSR	↑
09-22-2005	Cleared by OIPE CSR	↑
02-22-2005	371 Completion Date	↑
09-16-2005	Application Dispatched from OIPE	
09-16-2005	Notice of DO/EO Acceptance Mailed	
09-13-2005	Correspondence Address Change	
02-22-2005	Initial Exam Team nn	

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